

REMARKS

Claims 4-9 are pending in this application. By this Amendment, claims 4-6 and 7 are amended, and claims 1-2 are canceled. No new matter is added.

I. Support for Claim Amendments

Support for the amendment to the claims can be found, for example, at pg. 21, line 25-pg. 22, line 7, pg. 22, lines 19-25, pg. 23, lines 8-21, and pg. 24, lines 6-13.

II. Claim Rejections

The Office Action rejects claims 1-9 under 35 U.S.C. §103(a) over U.S. Patent Application Publication No. 2002/0029242 (Seto).

As claims 1-3 have been canceled, their rejection is moot.

Claim 4 recites, in part, "said records including at least one of a first data that indicates how many times each user has accessed a certain type of image and a second data that indicates how many times the image was edited and printed." Claim 4 further recites that selected images "have an access count that is greater than a predetermined value." Claims 5 and 7 recite similar features.

The Office Action acknowledges that Sato does not teach the claimed first or second data. However, the Office Action asserts that it would have been obvious to modify Sato to provide "the capability for efficiently processing the editing data in accordance with the editing information corresponding to an editing object queried."

Under the USPTO's October 10 examination guidelines ("Guidelines"), an Office Action must provide an explanation "clearly setting forth findings of fact and the rationale(s) to support a rejection" under 35 U.S.C. §103. The "key" to supporting a rejection is the *clear articulation* of the reasons why the invention would have been obvious. These reasons must have *rational underpinnings* and may not be mere *conclusory statements*.

The Office Action asserts that it would have been obvious to modify Sato to

"efficiently" process "editing data in accordance with editing information." However, such an assertion is not based on any rational underpinning, and is simply a conclusory statement without any evidentiary support. In particular, the claimed first data indicates how many times a user has accessed a certain type of image, while the second data indicates how many times the image was edited and printed. The Office Action fails to identify how knowledge of the number of times each user accesses a certain type of image or the number of times the image was edited and printed is useful in the context of editing an image in Sato. Further, the Office Action fails to indicate how such information would create an increased "efficiency," or that Sato's process is not already efficient. Thus, one of ordinary skill would not have had any reason to modify Sato in the manner asserted.

Additionally, Sato does not teach searching accessed images which have been accessed by a plurality of users and selecting images, which have an access count that is greater than a predetermined value, from said accessed images, as recited in claims 4, 5 and 7. The Office Action asserts that Sato's step of querying the image server about one editing object corresponds to the claimed searching accessed images and selecting images from the accessed images. However, this assertion is incorrect.

Without conceding the propriety of such an assertion, Sato does not teach selecting images which have an access count that is greater than a predetermined value. Instead, Sato teaches querying the editing unit about the type of editing object, such as querying the contents of a process that can be applied to image data, the position of a region into which images or characters are inserted in template data. See paragraph [0023]. This query does not indicate an access count, and therefore Sato cannot teach or suggest selecting images that have an access count that is greater than a predetermined value, as claimed.

For at least these reasons, withdrawal of the rejection of claims 4, 5 and 7, as well as the claims depending therefrom is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Request for Continued Examination

Date: November 21, 2007

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